

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 115

The question is whether it is proper for a City employee to use his official City title in an advertisement relative to a tour to foreign countries to study certain features in a specialized discipline and to be led by the employee.

The Ethics Commission's [Commission's] answer is yes.

Following a review of the employee's position description and position title, the Commission finds that he is in charge of all City activities in the specialized discipline, which are under the control of a City Agency X. His title is "Director of Division Y", which includes Sections A, B, and C. In the advertisement the employee used the title "Director of Section C."

Based on the foregoing facts, the Commission is of the opinion that use of the title in conjunction with the advertisement of a tour to study local features is permissible. This statement is based on the fact that the employee is the Director of Division Y, the name of which implies expertise in the specialized discipline. Therefore, the use of the title is not misleading.

Accordingly, the Commission concludes that the employee may use the title, "Director of Section C," in conjunction with advertised tours. Henceforth, however, the Commission recommends use of the employee's official title, "Director of Division Y," for any future advertisements.

After reviewing the nature of the business venture in which the employee is involved, the Commission has a related concern regarding such business activity. The Commission's concern is whether or not he uses City time, equipment or material to service applications for the tour. That is, does he have to respond to telephone calls during working hours made by the tour agency or prospective tourists? Similarly, does he make use of City equipment or material in fulfillment of his tour guide role? Examples of City equipment would be the telephone or a City typewriter, while examples of material would be City paper or stationery to correspond with the tour agency or prospective tourists. If he is doing so, he may be in violation of Section 11-102.3, RCH, relative to incompatibility.

The Commission commends the employee for his awareness regarding the ethical aspects between his City position and personal business interests. It appreciates his concern which gave rise to this letter.

DATED: January 25, 1983.

ETHICS COMMISSION
Mazeppa K. Costa, Chair

Note: The Ethics Commission's *Guidelines on Appearances in Advertisement*, dated June 22, 1987, supersedes Advisory Opinion No. 115.